

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### CLAIRFYING THE APPLICATION OF THE 'DEATH ON THE HIGH SEAS ACT' TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 85 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 603.

□ 1052

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes. The gentleman from Illinois (Mr. LIPINSKI) will control the time of the gentleman from Minnesota (Mr. OBERSTAR).

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1996, the Supreme Court decided that the Death on the High Seas Act applied to aviation accidents. This took everybody by surprise because the Death on the High Seas Act is a shipping law and the Federal Aviation Act states that shipping laws do not apply to aviation.

Nevertheless, the Supreme Court said it did apply when the plane crashed into the ocean outside of U.S. territorial waters. The effect of this decision is to treat families differently depending on whether their relative dies in an aircraft that crashes into the ocean or one that crashes into the land.

If the plane crashes into the ocean, the Death on the High Seas Act applies. This act prevents a family from collecting damages for their relatives' pain and suffering or from the loss of the companionship of their loved one. However, if the plane crashes into land, there is no legal bar to collecting these damages.

So, there really is no reason why the monetary recovery from a lawsuit should depend upon where the plane happens to come down, whether it is into the water or into the land.

Mr. McDade, who was the predecessor of the gentleman from Pennsylvania (Mr. SHERWOOD), introduced this bill last year, and it was passed overwhelmingly in this House, but it died in the Senate. The gentleman from Pennsylvania (Mr. SHERWOOD) is to be congratulated for moving this legislation so expeditiously through our committee so that we can be here on the floor today to correct this obvious, nearly bizarre inequity. It is something that we certainly should do.

Now, this bill, sponsored by the gentleman from Pennsylvania and supported by many of us on both sides of the aisle, will be very helpful to the families of the victims of TWA 800, some of whom reside in the gentleman's district, and the families of aircraft crash victims throughout the United States. It will ensure that all families are treated equally, regardless of whether a loved one died, be it in the water or on land.

Mr. Chairman, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 603, a bill to clarify the application of the Death on the High Seas Act. An identical bill overwhelmingly passed the House of Representatives last Congress. Unfortunately, the full Senate did not consider the bill before the end of Congress.

H.R. 603 addresses a gross inequity which was brought to our attention by the family members of the victims of TWA flight 800, which is created when the Death on the High Seas Act is applied to aviation accidents.

If a plane crashes into the ocean more than 3 miles from land, as did TWA flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is to treat families differently depending on whether the loved ones die in an aircraft that crashed into the ocean or one that crashed on land. This is obviously unfair. The value of an individual's life does not change depending on where the plane happens to come down.

H.R. 603 would correct this critical flaw of the Death on the High Seas Act. First, the bill simply adds the bill to the list of shipping laws that do not apply to aviation. Secondly, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA flight 800.

Mr. Chairman, I strongly urge my colleagues to support this bill. It is a simple piece of legislation that will fix the harmful inequity that results when the Death on the High Seas Act is applied to aviation disasters.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation which was introduced by the very distinguished gentleman from Pennsylvania (Mr. SHERWOOD). Let me just say that this legislation, I think, shows that the gentleman from Pennsylvania really cares about his constituents and is willing to try to help them in any way he can. This legislation is an example of that, because many young people from the gentleman's district in Montoursville, Pennsylvania, died tragically in the TWA 800 crash. But this legislation will help people all over the Nation and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Chairman, this legislation is designed simply to clarify the application of the Death on the High Seas Act to aviation accidents. This issue arises because, in 1996, the Supreme Court really surprised everyone in deciding the case of Zickerman versus Korean Airlines in holding that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean that occurs more than 3 miles from land.

□ 1100

The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land.

I think it is fair to say that almost no one in the aviation or legal communities believe that this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zickerman case.

Moreover, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania (Mr. SHERWOOD), if a plane crashes into the ocean, the Death on the High Seas Act applies. This Act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, these people are limited to recovering only lost wages.

Because of the Zickerman decision and this law, it means that parents will

receive almost no compensation in the death of a child.

On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Chairman, H.R. 603 amends the Federal Aviation Act so that the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or on land.

Again, Mr. Chairman, let me thank the gentleman from Pennsylvania (Mr. SHERWOOD) for introducing this legislation, which will help a number of constituents in his district and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

As the gentleman from Illinois (Mr. LIPINSKI) noted, this bill passed the House last year overwhelmingly. Unfortunately, we did not get it worked out in the Senate and in conference, and we need to do that this year. I think we can very quickly.

Let me also thank the gentleman from Pennsylvania (Mr. SHUSTER), the very distinguished chairman of the full committee, for his support on this legislation, as well as the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and especially my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), for yield me this time. I compliment him on the splendid job of leadership he has done in working to craft this legislation and to bring it to the floor. I thank the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the full committee, for moving so quickly and decisively last year and again this year to correct the clear gap in the law that amounts to an abuse of the rights of the families of victims. I thank, of course, the gentleman from Tennessee (Mr. DUNCAN), our splendid chairman of the Subcommittee on Aviation, the ever judicious and thoughtful advocate for aviation.

This legislation arises out of a tragedy that occurred in Long Island Sound, but it arises also out of the genuine, deep, profound humanitarian concern of our former colleague, the gentleman from Pennsylvania, Mr. McDade.

I have known Joe McDade all the years I served in this body, at first as a staff member and then as a colleague. There is one quality that shines through this thoughtful and sparkly, ever-with-a-twinkle-in-his-eye gentleman who chaired the Subcommittee on Energy and Water Development, and that was his concern for his fellow human beings, his splendid representation of the people of his District, the remarkable locomotive museum that I visited when I took my daughter up to look at a college in his District, the everlasting memorial that he has created in one after another community project to serve the needs of his people.

But none of those accomplishments will be a greater memorial than the enactment of this legislation, which has been introduced by the gentleman from Pennsylvania (Mr. SHERWOOD), his successor in the Congress and our committee.

It is really unfortunate the other body did not act on this legislation in the last Congress. We hope that moving the bill early this year will give them motivation to proceed with dispatch and to take action on the mark of delayed justice overdue.

Those of us who have served on the PanAm 103 Commission, my good friend, John Paul Hammerschmidt, former ranking member of the Subcommittee on Public Works and the Committee on Transportation and Infrastructure, and I served on the PanAm 103 Commissions. We learned that families of the victims realize nothing that we could do will bring back their loved ones.

What they ask is that the injustice in that case, that the tragedy not be repeated through terrorist actions against aviation, and in this case that justice be done for families in the future that may have, God forbid that it should happen again, but who may have such a tragedy occur.

PanAm 103 did not raise this issue because it crashed on land. Had PanAm 103 not been delayed a half hour on the ground in London and taken off on time, it would have been blown up over the North Atlantic.

It would have raised the same issues that TWA 800 raises for us in this legislation of Death on the High Seas, that ancient piece of legislation that prohibits recovery for those who are lost beyond the territorial limits of the United States.

I will not repeat all of the points that have been made about the details of the legislation. I do not think it is necessary to do so. The gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) have already made that case.

What we do hear, though, is a lasting memorial to the families of the victims, to the victims themselves, that justice in the future will be done should ever a tragedy of this magnitude occur on the high seas.

It is a great tribute to our committee that, as we build memorials of con-

crete, steel, and we create great transportation systems, move America, that we also have the compassion to act in matters of this kind that do justice for those of our fellow citizens and those whom we represent in this great body.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), the principal author of this legislation.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of H.R. 603, the Airline Disaster Relief Act. I want to thank my distinguished chairman, the gentleman from Pennsylvania (Mr. SHUSTER) for his hard work and leadership in shepherding H.R. 603 to the floor.

Additionally, I am grateful for the guidance and support of the gentleman from Tennessee (Mr. DUNCAN), the subcommittee chairman, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), ranking members.

The Committee on Transportation and Infrastructure's swift consideration of this measure is greatly appreciated by me and by the families of the victims of TWA Flight 800 and the Swiss Air tragedies.

This bill, above all, is about fairness. It is about providing equitable treatment for the families who lost loved ones in airline disasters over international waters. Right now, we apply a 79-year-old maritime law written to help the widows of sailors lost at sea in cases of modern airline disasters. This maritime law is known as the 1920 Death on the High Seas Act.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small town in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school seniors and five chaperones on a trip to France for educational purposes. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of this dated maritime law.

If a plane crashed on land, family members can seek redress for losses in State courts for various different types of compensation. However, if a loved one crashed at sea, one can only seek compensation for loss of income in a U.S. District Court.

In the case of a child or a retired person lost at sea, the Supreme Court's application of this archaic maritime law makes that child valueless in the face of the law.

Clearly, the application of this law is patently unfair and cruel. Why are we standing here in 1999 and applying a 1920's maritime law to modern aviation disaster claims? The time has come to create one level playing field and one process for all airline crash claims.

The current treatment of land and sea crashes as separate and unequal must come to an end. This bill clarifies

that the 1920s Death on the High Seas Act does not apply to aviation.

I urge my colleagues to overwhelmingly approve this bill for it is the right thing to do. It is the fair thing to do. It is the compassionate thing to do.

Mr. LIPINSKI. Mr. Chairman, I do not believe that I have any other speakers, and I yield myself such time as I may consume.

Mr. Chairman, I would simply like to say in conclusion that this is a very important piece of legislation. I agree that it should be passed overwhelmingly.

I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the gentleman from Pennsylvania (Chairman SHUSTER), and the Democratic and Republican staff for their outstanding cooperation and work on behalf of this bill.

Everyone has worked very diligently to bring this bill to the floor as early as possible in this session of Congress so that we could give the other body ample and sufficient time to pass it. Because, as it has been stated here, it is definitely the right thing to do, the fair thing to do, the equitable thing to do. So, please, everyone vote on behalf of this bill.

Mr. FORBES. Mr. Chairman, today I rise in support of H.R. 603, the Death on the High Seas Act.

As many know, I have been an outspoken proponent of the ideas contained within this bill because of a tragedy that struck my district on July 17, 1996, the crash of TWA 800, and the loss of all of its passengers and crew.

This important act would allow full compensation for the families of victims of aviation disasters like TWA 800. Current law makes certain distinctions between different types of aviation disaster victims. These distinctions prohibit the families of some disaster victims from receiving the type of compensation that they truly deserve. As a result, many aviation disaster victims suffered both the loss of a loved one and the economic assistance that such persons provided.

H.R. 603 would replace outdated provisions of a law adopted 79 years ago that was designed to allow the surviving family members of sailors lost at sea to sue for lost wages. Subsequent court rulings determined that the act applies to all maritime and aviation disasters that occur more than one marine league, or three miles, from America's shoreline.

TWA 800 crashed nine miles off of Long Island's South Shore. Therefore, the Supreme Court ultimately determined that the incident was covered by existing law that limits compensation to the families of victims of aviation disasters. I am sorry to say that victims of TWA 800 and their surviving families have suffered greatly as a result.

As a matter of justice and human decency, I ask my colleagues to support H.R. 603. We cannot fully restore the lives of those affected by the crash of TWA 800 and similar disasters, but can, and should, do what we can to ease their pain.

Mr. ROTHMAN. Mr. Chairman, on July 17th, 1997, 230 people died when TWA Flight 800 exploded 9 miles off the coast of Long Island.

To this day the crash continues to be a national tragedy. For almost 2 years, the families of those who perished have had to deal with more than the unbearable pain of losing a loved one in such a sudden, violent and public manner. To this day they have to live with not having many answers for their loss, as they continue to wait for an explanation about why the disaster occurred.

As if this disaster alone is not enough, the tragedy is made all the worse by an outdated law that prevents survivors from suing in state court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plane crashed seconds earlier—when the plane was only two miles off of New York's coast—this would not be an issue. However, at nine miles out, the 1920 "Death on the High Seas Act" governs. This out-dated law dictates that lawsuits arising from aviation accidents that occur more than 3 miles off of the United States shoreline be brought in Admiralty Court, and limits recovery of damages for survivors to lose income only. While this may have been an appropriate law 79 years ago, in 1999 it is nothing short of outrageous.

A constituent of mine, Carol Ziemkiewicz (ZEM-ka-witz), lost her daughter on that flight. Jill Ziemkiewicz had been working as a flight attendant for only a month and a half when she was assigned to her first international flight on TWA Flight 800. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA Flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were "I'm psyched."

Jill was only twenty-three years old at the time she was killed and it is accurate to say that her life, along with every other on the plane, ended to early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones, people who continue to live but whose lives will never be the same because of this tragedy.

I am proud to support H.R. 603. H.R. 603 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 603.

Mr. HOLDEN. Mr. Chairman, I rise today in support of H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. I would like to commend Chairman SHUSTER and Ranking Member Mr. OBERSTAR for quickly moving this bill through the Transportation Committee. I would also like to call on Representative DON SHERWOOD for all of his hard work on bringing this bill to the floor.

Mr. Chairman. H.R. 603 will correct an inequity in the law which currently treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. This is especially harsh for families which lose a child in a crash. This creates cruel inequality depending on where a plane happens to come down.

Mr. Chairman, the need for this bill became clear after TWA 800 crashed 8 miles off Long Island, New York on July 16, 1996. Two of my constituents, Kyle and Amy Miller of Tamaqua, PA, were aboard this flight en route from New

York to Paris. They were on their way to Paris to celebrate their fifth wedding anniversary. Their loss, and the loss of all of the passengers and crew on the plane, was a horrible tragedy.

Kyle and Amy symbolized the American spirit and were outstanding members of their community. Kyle was a small businessman and owned part of his family hardware and plumbing businesses. Amy worked at the hardware store and was a member of the Tamaqua Area School Board. Her work in local education programs was outstanding and she was the top vote-getter in both the primary and general election.

Both Amy and Kyle were well liked and well respected in the community. The effect of this change in the law would allow families such as Kyle and Amy's to receive the same monetary awards families receive when planes crash over land.

I strongly encourage all members to support H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. To help all families who lose loved ones in aircraft accidents regardless of where the plane crashes.

Mr. LIPINSKI. Mr. Chairman, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 603.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All time for general debate has expired. Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLARIFICATION AMENDMENT.

Section 40120(a) of title 49, United States Code, is amended by inserting "(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761-767; 41 Stat. 537-538))" after "United States".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Hearing none, the Clerk will designate section 2.

The text of section 2 is as follows:

**SEC. 2. APPLICABILITY.**

The amendment made by section 1 applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

There being no amendments, under the rule, the Committee rises.

□ 1115

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. BURR of North Carolina, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents, pursuant to House Resolution 85, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed until later today.

**COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT**

The SPEAKER pro tempore. Pursuant to House Resolution 86 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 661.

□ 1116

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, with Mr. BURR of North Carolina in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Recently, the European Union took the first step in adopting a very discriminatory regulation that would effectively ban most U.S.-based stage 3 hushkitted and certain U.S. re-engined aircraft from operation in the European Union, even though they meet all international noise standards.

Hushkitted aircraft are older aircraft that have what is essentially a muffler added so that they can meet the current stage 3 noise requirements. Re-engined aircraft are stage 2 aircraft that have stage 3 engines added to meet current noise requirements.

Now, the proposed European Union regulation, on which they have already taken the first step, limits the number of possible buyers of U.S.-owned hushkitted and re-engined aircraft. Under the regulation, the European Union operators can only buy these hushkitted and re-engined aircraft from other European operators. They cannot buy them from American operators.

In addition, the regulation significantly increases U.S. costs of operation in European Union countries. New U.S. operations will have to be flown by aircraft originally manufactured to meet stage 3 requirements even though the retrofitted engines meet all the requirements. U.S. hushkitted aircraft will not be allowed to fly in Europe.

This is blatant, outrageous discrimination. This regulation implements a regional standard that is substantially different from that agreed upon through international standards and unfairly targets U.S. operations.

The bill before us takes the first step to respond to these discriminatory practices by effectively banning flights of the Concorde in the U.S. if a final regulation is adopted by the European Union. The Concorde does not meet the stage 3 noise requirements that the U.S.-owned hushkitted aircraft currently meet. It does not even meet the less restricted stage 2 requirements.

So it is important that we, today, take our first step in response to the Europeans, having already taken their first step, so that we demand a level playing field. I strongly urge support of this bill.

It is our hope that we do not need to proceed further with the Senate and having this signed into law, because our hope is that the Europeans will not proceed beyond the step they have already taken. But if they do, we are certainly prepared to respond in a similar fashion, and I urge strong support for this pro-American legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may con-

sume. I want to thank the chairman of our full committee for that very strong, forceful, well-phrased statement but, more importantly, for his prompt action on this legislation, moving it through subcommittee and full committee to the floor quickly, because the situation demanded quick action. The gentleman is a strong advocate for American interests, whether in steel or in other modes of transportation, but especially here in this case in aviation.

I did my graduate studies at the College of Europe in Brugge, Belgium, at the time of the formation of the European Common Market. I have continued to follow events in Europe very closely, from the coal and steel community, through the European Common Market, to the European Parliament and the Council of Ministers developments, all of which have united Europe, have brought a higher standard of living to Europe in the post-World War II era, all of which developments have been strongly supported by a succession of U.S. presidents and Congresses.

We want a strong, economically strong, united Europe. It is in our best economic interest. It is in our national security interest. But it is to be a Europe that will trade fairly with the United States, that their markets must be open to ours on the same terms and conditions that ours are open to theirs. And we have the world's largest open, free market for any commodity, and especially in aviation.

We have negotiated one after another liberal aviation trade agreement with European countries, beginning with the Netherlands. Free open-skies agreements. We have with Germany. We have with Italy. We are negotiating one now with France. Why, then, in the face of this openness to trade, why in the face of U.S. cooperation with Europe in aviation matters, joint ventures with Airbus industry, the joint venture between GE and Snekma, the French engine manufacturer, why in the face of some 60 percent of the materials and parts produced for Airbus aircraft coming from the United States, why is the European Community taking anti-competitive action as they have done with their proposal to eliminate some 1,600 U.S. aircraft from the European air system?

The European Commission made a recommendation to the European Parliament, which debated this issue, and then adopted a proposed regulation, submitted to the European Council of Ministers, that would restrict the use in Europe of some, but not all, aircraft that have either a new engine or a hushkit installed on existing engines to meet their highest current noise standards, Chapter 3 of ICAO, or stage 3 as we call it in the United States.

On the face of it, it looks fair, but in practice it applies only to U.S. aircraft and U.S. engines. Conveniently, it excludes the engines produced by the GE alliance with the French manufacturer